

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

| | | |
|--|---|---------------------|
| -----X | : | |
| VALERIE HALSEY, <i>as Proposed</i> | : | |
| <i>Administratrix of the Estate of Dorothy</i> | : | |
| <i>Osborne, deceased,</i> | : | |
| | : | 22-cv-7664 (VSB) |
| Plaintiff, | : | |
| | : | <u>ORDER</u> |
| -against- | : | |
| | : | |
| THROGS NECK OPERATING, LLC, | : | |
| | : | |
| Defendant. | : | |
| -----X | | |

VERNON S. BRODERICK, United States District Judge:

On September 8, 2022, Defendant filed a Notice of Removal from the Supreme Court, County of Bronx. (Doc. 1.) On September 12, 2022, this case was reassigned to me. On that same day, Defendant filed a letter-motion to stay the case during the pendency of two actions before the Second Circuit Court of Appeals that involve related issues, *Rivera-Zayas v. Our Lady of Consolation*, 21-2164, and *Leroy v. Hume*, 21-2158, 21-2159, scheduled for oral argument on October 31, 2022. (Doc. 5.) On September 13, 2022, I ordered Plaintiff to file a response letter indicating its position on Defendant's motion for a stay. (Doc. 6.) Plaintiff's deadline has passed, and Plaintiff has not filed a response letter or filed an appearance in this case. It is hereby:

ORDERED that, on or before September 23, 2022, Defendant serve a copy of this Order and my September 13, 2022 Order, (Doc. 6), on Plaintiff by email or personal service. Defendant is further ordered to file proof of service on the docket on or before September 26, 2022.

IT IS FURTHER ORDERED that, on or before September 28, 2022, Plaintiff file a

notice of appearance on the docket and a response letter as detailed in my September 13, 2022 Order. (Doc. 6.) Plaintiff's failure to do so by that date may result in dismissal of this action for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b).

SO ORDERED.

Dated: September 20, 2022
New York, New York

A handwritten signature in black ink, reading "Vernon Broderick". The signature is written in a cursive, flowing style. The first name "Vernon" is written with a large, prominent "V" and "n". The last name "Broderick" is written with a large "B" and "r". The signature is positioned above the printed name and title.

Vernon S. Broderick
United States District Judge